

Atty. Dkt. No. 070191-0286 (31-CD-5666)

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 10-11.

Claims 6, 7, and 15 are requested to be cancelled without prejudice.

Claims 1, 3, 10, 32, and 36 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5, 8-14, and 16-38 are now pending in this application.

SPECIFICATION

In Section 1 of the Office Action, the Examiner objected to the specification because of an informality in paragraph [0034] in which FIG. 3 should have been indicated as FIG. 7. Applicants have amended paragraph [0034] accordingly. Thus, Applicants respectfully request the withdrawal of the objection to the specification.

CLAIM OBJECTIONS

In Section 2 of the Office Action, the Examiner objected to Claims 3 and 32 because of informalities. Applicants have amended Claims 3 and 32 to correct the informalities in accordance with the Examiner's suggestion. Thus, Applicants respectfully request the withdrawal of the claim objections to Claims 3 and 32.

Atty. Dkt. No. 070191-0286 (31-CD-5666)

CLAIM REJECTIONS – 35 U.S.C. § 102

In Section 4 of the Office Action, the Examiner rejected Claims 1-2, 6-9, 10-11, 15-25, 30-33, and 36-38 under 35 U.S.C. § 102(b) as being anticipated by Goltra (U.S. Patent No. 5,823,949). Applicants respectfully submit that none of the independent claims, that is Claims 1, 10, 18, 30, and 36, as amended, are anticipated by Goltra.

With regard to independent Claim 1, independent Claim 1 has been amended to recite “associating a part of speech attribute with a plurality of statements.” This limitation is similar to the prior limitation of cancelled Claim 6 which the Examiner rejected based on the use of a statement in Goltra in which “brassy” was added to describe the “cough” at column 3, lines 34-36. Applicants recognize that “brassy” is an adjective; however, what Applicants claim is associating a part of speech attribute with the statement, not placing an “adjective” word in the statement. What is associated with the plurality of statements is an actual part of speech attribute such as, but not limited to a “noun”, “verb”, “adjective”, etc., not the actual noun, verb, or adjective. The part of speech attribute is used to describe what part of speech the statement itself represents. Applicants direct the Examiner’s attention to paragraphs [0030]-[0032], among others. Accordingly, Goltra does not disclose the association of a part of speech attribute with a plurality of statements and, therefore, Goltra does not disclose or teach all the claim limitations of independent Claim 1. Applicants respectfully request that independent Claim 1 and its dependent claims be allowed.

With regard to independent Claim 10, Applicants have amended independent Claim 10 with the prior claim limitation of Claim 15, that is “providing a statement including a placeholder.” Applicants respectfully submit that the assigning of a numerical value which has been cited by the Examiner as disclosing providing a placeholder is not the same as providing a placeholder. The numerical value of Goltra is the assignment of a numerical value depending on how important a medical finding is to a diagnosis. This is clearly different than the placeholder provided in statements of Applicants’ claim. The placeholder is a position within the statement in which a value or other text may be provided or filled in later. Accordingly, independent

Atty. Dkt. No. 070191-0286 (31-CD-5666)

Claim 10, as amended, is not anticipated by Goltra. Thus, Applicants respectfully request that independent Claim 10 and its dependent claims be allowed.

With regard to independent Claim 36, the Examiner has rejected Claim 36 as anticipated by Goltra. Applicants respectfully submit that independent Claim 36 includes "providing at least one search keyword." Applicants respectfully submit that Goltra does not disclose or teach providing a search keyword. Goltra has a plurality of categories within the database file which are identified by codes. The idea behind search keywords is that keywords which go beyond specified codes and are more common sense to the physician may be used in order to identify statement groupings. Further, Applicants respectfully submit that Goltra does not disclose or teach "providing a listing of reports associated with the statements of the grouping." Goltra does not disclose or teach that a grouping of statements is found from a keyword search and then *a list of reports* associated with the statements of the grouping are provided. The Examiner has not identified how such a limitation is taught by Goltra. Accordingly, independent Claim 36, as amended, is not anticipated by Goltra. Thus, Applicants respectfully request that independent Claim 36 and its dependent claims be allowed.

With regard to independent Claim 18, the Examiner has rejected Claim 18 based on the fact that Goltra discloses "accessing a first medical statement from a statement library the first medical statement including a first grammatical characteristic identifier; accessing a second medical statement from the statement library the second medical statement including a second grammatical characteristic identifier." To this assertion, Applicants respectfully disagree. Goltra does not disclose or teach the use of grammatical characteristic identifiers in medical statements. Grammatical characteristic identifiers identify what part of speech or grammatical characteristic that the statement represents. "Brassy cough" or "coronary artery stenosis" is not a grammatical characteristic identifier, rather those are actual symptoms. A grammatical characteristic identifier may be an identifier of the part of speech, such as, but not limited to, noun, verb, adjective, etc. Accordingly, Goltra does not disclose accessing medical statements with such identifiers included therein and further does not provide for assembling the medical

Atty. Dkt. No. 070191-0286 (31-CD-5666)

statements into a clinical report text according to the grammatical characteristic identifiers. Thus, independent Claim 18 is not anticipated by Goltra. Therefore, Applicants respectfully request that Claim 18 and its dependent claims be allowed.

With regard to independent Claim 30, Applicants respectfully submit that Goltra does not disclose or teach "generating a plurality of medical statements from a statement library based on clinical measurements, at least some of the medical statements in the statement library being associated with a diagnostic predictor." The use of diagnostic predictors in a statement is not disclosed or taught by Goltra. A diagnostic predictor may be a predictor of perioperative risk or some other diagnosis prediction based on the symptomatic factors. What is described and shown in Goltra and referred to by the Examiner at column 5, lines 32-46 is the actual diagnosis of the disease. This is not the same as a diagnostic predictor which is a predictor of the risk or other factors based on the symptoms or the disease being described by the statement. Accordingly, Applicants respectfully submit that independent Claim 30 is not anticipated by Goltra as diagnostic predictors are not taught by Goltra. Thus, Applicants respectfully request that independent Claim 30 and its respective dependent claims be allowed.

In Section 6 of the Office Action, the Examiner rejected Claims 26-29 under 35 U.S.C. § 102(e) as being anticipated by Drucker et al. (U.S. Patent No. 6, 292,796). Applicants respectfully submit that Drucker et al. does not disclose or teach a method of generating a clinical report through a computer user interface that includes, among other limitations "providing to the user access to a plurality of filtered medical statements based on the first medical statement, the filter being based on at least one of a grammatical characteristic of the first medical statement, a keyword, an acronym, and a grouping identifier." What is taught by Drucker et al. is access to references based on keyword searching or based on a clinical report. What is not taught by Drucker et al. is that a plurality of filtered medical statements is generated. What is generated by Drucker et al. is a list of references. Further, what is not provided by Drucker et al. is access to a plurality of filtered medical statements that are based on a both a first medical statement and a keyword. Although Drucker et al. teaches the use of using a keyword to search a database of

Atty. Dkt. No. 070191-0286 (31-CD-5666)

references, Drucker et al., does not teach generating a plurality of filtered medical statements based on both a first medical statement and a keyword. Accordingly, Applicants respectfully submit that Drucker et al. does not teach all of the claim limitations of independent Claim 26. Thus, Applicants respectfully request that independent Claim 26 and its dependent claims be allowed.

Claim Rejections – 35 U.S.C. § 103

Applicants have reviewed the claim rejections under 35 U.S.C. § 103 and find that all of the claims rejected under § 103 are claims depending from independent claims which are believed to be allowable. Accordingly, Applicants believe that the dependent claims rejected under 35 U.S.C. § 103 are also allowable.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Atty. Dkt. No. 070191-0286 (31-CD-5666)

Respectfully submitted,

Date November 2, 2004

By Alistair K. Chan

FOLEY & LARDNER LLP
Customer No. 26371
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5306
Telephone: (414) 297-5730
Facsimile: (414) 297-4900

Alistair K. Chan
Attorney for Applicants
Registration No. 44,603